

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------|---|----------------------------------|
| NICOLE ZICCARELLI, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 2:20-cv-1831-NR |
| v. |) | |
| |) | |
| THE ALLEGHENY COUNTY |) | |
| BOARD OF ELECTIONS, et al. |) | The Honorable J. Nicholas Ranjan |
| |) | |
| Defendants. |) | |

**INTERVENORS' APPENDIX A TO MOTION TO DISMISS,
OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

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| Exhibit | Description |
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| 1 | Cited Portions of Stipulated Undisputed Facts and Exhibits (Dkt. 45) |
| 2 | First Amended Complaint (Dkt. 29) |
| 3 | Application for Extraordinary Relief by Nicole Ziccarelli, filed in the Supreme Court of Pennsylvania on November 18, 2020 in <i>In Re: 2,349 Ballots in the 2020 General Election, Petition of Nicole Ziccarelli</i> , Case No. 103 WM 2020 (Pa. 2020) |
| 4 | Praecipe for Discontinuance, filed in the Supreme Court of Pennsylvania on November 19, 2020 in <i>In Re: 2,349 Ballots in the 2020 General Election, Petition of Nicole Ziccarelli</i> , Case No. 103 WM 2020 (Pa. 2020) |
| 5 | Plaintiff's Brief in Support of Motion for Summary Judgment (Dkt. 47) |
| 6 | Verified Complaint (Dkt. 1) |
| 7 | Amicus Brief of Legislative Leaders in Support of Plaintiff's Amended Complaint (Dkt. 49-1) |

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DECLARATION OF CLIFFORD B. LEVINE

I, Clifford B. Levine, hereby declare as follows:

1. I am an attorney at Dentons Cohen & Grigsby P.C. and I am counsel of record for Intervenors the Pennsylvania Democratic Party and James Brewster in the above matter.

2. I have personal knowledge of the matters set forth herein, and respectfully submit this Declaration in support of Intervenors' Motion to Dismiss or, in the alternative, Motion for Summary Judgment.

3. Attached as Exhibit 3 to Intervenors' Appendix A is a true and correct copy of the Application for Extraordinary Relief by Nicole Ziccarelli filed in the Supreme Court of Pennsylvania on November 18, 2020 in *In Re: 2,349 Ballots in the 2020 General Election, Petition of Nicole Ziccarelli*, Case No. 103 WM 2020 (Pa. 2020).

4. Attached as Exhibit 4 to Intervenors' Appendix A is a true and correct copy of the Praeclipe for Discontinuance, filed in the Supreme Court of Pennsylvania on November 19, 2020 in *In Re: 2,349 Ballots in the 2020 General Election, Petition of Nicole Ziccarelli*, Case No. 103 WM 2020 (Pa. 2020).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge.

Executed on: December 30, 2020
3517956.v2

By /s/ Clifford B. Levine
Clifford B. Levine
Pa. Id. No. 33507

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